

48 Wall Street,  
New York 5, N.Y.

May 15, 1946.

Dear H.B.G.:

I received yesterday in record time your letter of the 10th and was delighted to have your report of Nurnberg. As you will see from the press clippings I sent, the press covered with apparent accuracy the attempt of the defense lawyers to involve you with us. As matters stand, I do not think that this need worry you and, if there are any remaining doubts in anyone's mind as to your position, we can clear that up when your book appears. I had drafted a letter to send to the New York Times and then decided it was better to hold our fire rather than have a controversy over you on a point which should be easy to clear up when your full story appears. I see from the press of yesterday that the tribunal decided against the request for sending an interrogatory to the Secretary of War and to General Donovan with regard to your relations with OSS. Wherever I have had an opportunity I have, of course, made it absolutely clear that you were working entirely independently, as you said, for a better Germany and that our relation was that of friendly cooperation in the work to destroy Hitlerism.

I now have the cable from Fretz & Wasmuth authorizing me to conclude a contract with Houghton Mifflin. I have advised Houghton Mifflin and am awaiting their proposed draft. They are enthusiastic and I am sure will do their very best on your behalf.

Here are several questions which puzzle me:

1. Am I correct in assuming that you have retained the English language rights and that the contract should be negotiated in your name? What is the relation of Fretz & Wasmuth to the English language rights, if any?

2. Are you willing that Houghton Mifflin should negotiate, subject to your approval, for the rights for Great Britain so that the same English text edition would appear in the United States and in Great Britain?

3. I believe we are all now in agreement that Houghton Mifflin should bring out the material included in your first and second Swiss volumes. I believe, however, that we must leave to their judgment whether to do this in one or two volumes and, if so, what material to include. I fully agree that we should abandon the idea of merely adding to the material in the first Swiss volume a chapter on July 20th and that the material should be considered as a whole. Houghton Mifflin is now committed to do everything possible

-2-

to make the book a success and their judgment is better than yours or mine as to how to do this. They are prepared to consult with us both and naturally you, as author, have an artistic interest in the proper presentation of the story. My practical suggestion is this: that you send over in the German a typewritten copy of the material as you prepare it for the second Swiss volume, thus giving Houghton Mifflin as early as possible a chance to see as much material as possible. Then I would suggest that, if possible, when you are in England you make a trip to the United States for final consultation with the publisher. I will do everything possible to help in securing the visa but we should start on this relatively soon.

4. As regards the payment to you, I am inclined to feel that it is better to have this made to you directly rather than to have the added complication of passing it through the Swiss publishing house. In order to effect this payment we would in any event have to apply for a license and your interest in the payment would have to be disclosed. I am studying now the legal problems involved in this and also the income tax question as, believe it or not, you will have to pay an American income tax on the royalties. This is a rather complicated matter and we will work out the best possible tax arrangement for you. If, of course, I am wrong in my assumption in paragraph 1 and Fretz & Wasmuth have been legally constituted as your agent or representative to deal with the English language rights, then we might wish to reconsider our procedure. This may all seem rather complicated but we will be able to work it all out. The great thing is to get the material in the hands of Houghton Mifflin promptly. I will of course turn over to them Mary's translation and suggest you send your typewritten draft of July 20th as soon as it is finished.

5. There has been some inquiry about newspaper syndication and there may also be some question of magazine rights. I propose to refer all inquiries to Houghton Mifflin and believe that in the contract you should authorize them to act on your behalf. They will be the best judges as to what previous publicity, if any, would be helpful.

6. I do not know whether you have any arrangement with Mary which should be covered directly or indirectly in connection with her work on the translation. This I will have to leave to you two to work out and advise me.

If you could give me as promptly as possible your ideas on the above it would greatly help in the preparation of the contract. I may have to radio you meanwhile for data on some of these subjects as time is pressing.

-3-

Hugh Gibson, who just returned today from a round-the-world trip with Hoover, expressed great regret that they had lost the book but quite understood your position and mine and there is no ill feeling there of any kind. I am sure Gibson, who was always anxious to close, feels that Doubledays have lost a real opportunity.

I am answering separately Henry Govert's letter. I do not quarrel with any of his advice except that I feel that Houghton Mifflin which now has the primary responsibility is the best judge as to the form of presentation for the American market.

Faithfully yours,

H. B. Gisevius, Esq.,  
Commugny sur Coppet,  
Vaud, Switzerland.